

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

August 2015

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i>	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Health and Human Services

LD 1407

An Act To Require Screening and Testing for Illegal Substances of Beneficiaries under the Temporary Assistance for Needy Families Program

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON MCCORMICK	OTP-AM ONTP OTP-AM	

This bill requires an adult applicant for or an adult recipient of benefits under the Temporary Assistance for Needy Families, or TANF, program to be screened and possibly physically tested for the unlawful use of drugs. The outcome of testing may result in that person's being denied or losing TANF benefits if subsequent substance use disorder treatment is not successfully completed. The bill also repeals provisions that prohibit the State's denying food assistance and TANF assistance to a person who has been convicted of a drug-related felony.

Committee Amendment "A" (H-460)

This amendment, which is Report A of the committee, removes the sections of the bill that repeal provisions that prohibit the State's denying food assistance and Temporary Assistance for Needy Families, TANF, benefits to a person who has been convicted of a drug-related felony. It specifies that a person receiving TANF benefits who has been convicted of a drug-related felony and is within 20 years of that person's date of conviction is not able to reapply for cash assistance if the person fails a drug test, declines to enter a treatment plan or fails to meet the requirements of the treatment plan. It requires the Department of Health and Human Services to apply the same process to a person receiving food benefits who was convicted of a drug-related felony and is within 20 years of that person's date of conviction.

Committee Amendment "B" (H-461)

This amendment, which is a minority report of the committee, makes the following changes to the bill.

1. It removes the sections of the bill that repeal provisions that prohibit the State's denying food assistance and Temporary Assistance for Needy Families, or TANF, benefits to a person who has been convicted of a drug-related felony. It specifies that a person receiving TANF benefits who has been convicted of a drug-related felony and is within 20 years of that person's date of conviction is not able to reapply for cash assistance if the person fails a drug test and declines to enter a treatment plan or fails to meet the requirements of the treatment plan. It requires the Department of Health and Human Services to apply the same process to a person receiving food benefits who was convicted of a drug-related felony within 20 years of that person's date of conviction.
2. It requires the Legislative Council to conduct screening and testing of Legislators for illegal substances. If a Legislator is required to submit to drug testing and refuses, or if the Legislator tests positive for the unlawful use of a drug and refuses to enter into a substance use disorder treatment plan or enters into a substance use disorder treatment plan and fails to meet a requirement of the plan, the Legislator is ineligible for annual legislative salary payments and must reimburse the State for any salary payments made to the Legislator since the convening of the Legislature.
3. It requires the Governor's Office of Policy and Management to conduct yearly screening and testing of certain appointed state employees for illegal substances. If an appointed state employee is required to submit to drug testing and refuses, or if the employee tests positive for the unlawful use of a drug and refuses to enter into a substance use disorder treatment plan or enters into a substance use disorder treatment plan and fails to meet a requirement of the plan, the office is required to make a formal recommendation to the Governor that the employee be terminated or otherwise reprimanded.

Joint Standing Committee on Health and Human Services

House Amendment "A" (H-468)

This amendment provides that the result of an individual written screening questionnaire is exempt from the Freedom of Access Act, along with the result of an individual drug test as specified in the bill. This amendment allows the Department of Health and Human Services to release the aggregate data related to the results of screening questionnaires and drug tests. This amendment was drafted in response to a public records exception review, by the Judiciary Committee, of Committee Amendment "A".

LD 1412 An Act To Fund a Training Partnership between Riverview Psychiatric Center and the University of Maine at Augusta CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES KATZ	OTP-AM	H-332

This bill provides a one-time General Fund appropriation of \$500,000 in fiscal years 2015-16 and 2016-17 for Riverview Psychiatric Center to contract with the University of Maine at Augusta to provide training and educational opportunities for its staff.

Committee Amendment "A" (H-332)

This amendment changes the appropriation in the bill for Riverview Psychiatric Center in both fiscal years from \$500,000 to \$250,000.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

LD 1426 An Act Regarding the Maine Registry of Certified Nursing Assistants and Direct Care Workers PUBLIC 196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING	OTP-AM	H-342

This bill amends the Maine Registry of Certified Nursing Assistants and Direct Care Workers in the following ways.

1. It clarifies the circumstances under which a person employed as a direct care worker is listed on the registry.
2. It amends the requirements for listing certified nursing assistants and direct care workers.
3. It requires employers to verify that an individual listed on the registry is eligible for employment as a certified nursing assistant or direct care worker.
4. It consolidates information and aligns language used across programs based on federal and state laws related to background checks, disqualifying offenses, prohibited employment, criminal convictions and substantiated findings related to complaints of abuse, neglect or misappropriation of property.
5. It describes the process of identifying the disqualifying offenses that adversely affect an individual's eligibility for employment as a certified nursing assistant or direct care worker.
6. It establishes the department's authority to adopt eligibility for listing on the registry and other requirements by rule.